



General Assembly

February Session, 2000

Amendment

LCO No. 3509

Offered by:

REP. JARMOC, 59th Dist.

To: Subst. House Bill No. 5580

File No. 419

Cal. No. 329

"An Act Concerning Violation Of Tree Cutting Practices."

1 After line 70, add the following:

2 "Sec. 3. Section 13a-140 of the general statutes, as amended by public
3 act 99-207, is repealed and the following is substituted in lieu thereof:

4 (a) The commissioner may cut, remove or prune any tree, shrub or
5 other vegetation situated wholly or partially within the limits of any
6 state highway so far as is reasonably necessary for safe and convenient
7 travel thereon. No person, firm or corporation, and no officer, agent or
8 employee of any municipal or other corporation, shall cut, remove or
9 prune any tree, shrub or vegetation situated partially or wholly within
10 the limits of any such highway without first obtaining from said
11 commissioner a written permit therefor, provided however, that
12 nothing contained in this subsection shall limit the rights of public
13 service companies, as defined in section 16-1, to cut and trim trees and
14 branches and otherwise protect their lines, wires, conduits, cables and
15 other equipment from encroaching vegetation. No such permit shall be
16 issued by the commissioner unless the chief elected official of the

17 municipality in which any tree with a diameter greater than eighteen
18 inches is situated is notified in writing. The notice shall include the
19 location and a description of such tree to be cut or removed. No such
20 permit for the removal of any such tree, shrub or vegetation shall be
21 refused if such removal is necessary for that use of such adjoining land
22 which is of the highest pecuniary value. If such permit is refused on
23 any state highway right-of-way, where the state does not own the
24 right-of-way in fee, the owner of such tree, shrub or vegetation may,
25 within thirty days thereafter, request said commissioner in writing to
26 purchase or condemn an easement for the purpose of maintaining such
27 tree, shrub or vegetation and, if said commissioner does not purchase
28 the same, he shall condemn it, in the manner provided for the
29 condemnation of land for the construction, alteration, extension or
30 widening of state highways. Any payment so made shall be from
31 funds appropriated to the Department of Transportation. Said
32 commissioner may plant, set out and care for trees, shrubs or
33 vegetation within the limits of such highways and, by agreement with
34 the owner of land adjoining such highways, upon such adjoining land.
35 Upon request in writing within thirty days of planting of trees, shrubs
36 or vegetation to delimit boundaries of a highway by an adjoining
37 owner not agreeing thereto, said commissioner shall purchase or
38 condemn an easement for the purpose of maintaining such tree, shrub
39 or vegetation in the manner provided in this subsection. When the
40 removal of such tree, shrub or vegetation is necessary for that use of
41 such adjoining land which is of the highest pecuniary value, said
42 commissioner shall remove the same upon payment to him of all sums
43 paid for said planting and for any such easement with interest at the
44 rate of six per cent per annum. Any person, firm or corporation
45 cutting, removing, damaging or pruning any tree, shrub or vegetation
46 in violation of the provisions of this subsection, whether it was planted
47 by the commissioner or not, without a permit from said commissioner,
48 shall be fined not more than one thousand dollars for each such
49 violation and shall be liable civilly for any damage in an action
50 brought by said commissioner.

51 (b) Notwithstanding the provisions of section 51-164p, any
52 municipality, by ordinance, may establish a civil penalty of not more
53 than one thousand dollars, for cutting, removing, damaging or
54 pruning any tree, shrub or vegetation in violation of the provisions of
55 subsection (a) of this section, on any scenic road, designated pursuant
56 to section 13b-31c, located in said municipality. Any such ordinance
57 shall provide for notice and an opportunity for a hearing prior to the
58 imposition of any such civil penalty. Any person who is assessed a
59 civil penalty pursuant to this subsection may appeal therefrom to the
60 Superior Court.

61 (c) The chief elected official to whom written notice is required to
62 be given under subsection (a) of this section shall have standing to
63 object to such tree removal or pruning. The chief elected official shall
64 have a right to a hearing, relative to such removal or pruning, before
65 the Department of Transportation within ten days of either actual or
66 constructive notice and shall have standing to appeal any decision or
67 order resulting from such hearing."